



METROPOLITAN
TRANSPORTATION
COMMISSION

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May 17, 2007

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REQUEST FOR PROPOSALS
for Construction Progress Videography/Film Services
for the
San Francisco-Oakland Bay Bridge New East Span and Other Related Projects

Dear Film/Video Company:

The Bay Area Toll Authority (BATA) invites your firm to submit a proposal in response to this Request for Proposal (RFP). In issuing this RFP, BATA intends to select a Film/Video Company (Consultant) to chronicle activities relating to the construction of the new East Span of the San Francisco-Oakland Bay Bridge, particularly the final portions of the bridge, namely the innovative Self-Anchored Suspension (SAS) span and the transition structures at Yerba Buena Island; and to select a pool of firms to provide film/video recording services for a variety of as yet unspecified projects related to bridge projects.

Videography services will be required for a two (2) year period, from July 1, 2007 through June 2009. At BATA's sole option, the contract(s) may be renewed for up to five (5) additional one (1) year terms.

Note: For the purpose of this RFP, the words video, film, filming and videography are used interchangeably, with the format and medium for this project to be determined by this procurement.

This letter, together with its appendices, comprises the RFP for the above-described projects. Responses to this RFP should be submitted in accordance with the instructions stated herein.

Proposal Due Date

Interested firms must submit one (1) original and (four) 4 hard copies of their Proposal and two (2) copies of sample shows/footage by 4:00 p.m. on Monday, June 4, 2007. ***Any Proposal received after that date and time will not be considered.*** The submission of a Proposal will be considered a firm offer to enter into a contract and perform the work described in this RFP for a period of one hundred twenty (120) days from their submission.

BATA Point of Contact

Proposals and all inquiries relating to this RFP should be submitted to address shown below. For telephone inquiries, call (510) 817-5773. E-mail inquiries may be directed to: [<bkahn@mtc.ca.gov>](mailto:bkahn@mtc.ca.gov).

Brenda Kahn, Project Manager
MTC/BATA
Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4700

Background, Scope of Work and Budget

BATA was established in January 1998 as the entity responsible for programming, administering and allocating the revenue generated by the tolls on the California Department of Transportation (Caltrans) seven state-owned Bay Area toll bridges (Antioch, Benicia-Martinez, Carquinez, Richmond-San Rafael, Dumbarton, San-Mateo Hayward, and the San Francisco-Oakland Bay Bridge). The Metropolitan Transportation Commission (MTC) — the transportation planning, financing and coordinating agency for the nine-county region — was designated to serve as BATA's policy board and to staff the toll authority. Under legislation, Caltrans retains ownership and operational management of the bridges.

The Bay Bridge was originally built as two bridges joined in the middle by a tunnel through Yerba Buena Island (YBI). The 1-3/4 mile long "West Span" between the YBI tunnel and San Francisco is itself composed of two suspension spans, joined midway by an elevated anchorage. The West Span seismic retrofit was completed in 2006. The Bay Bridge enters San Francisco on an elevated structure known as the West Approach, which is currently being replaced and scheduled for completion by August 2009. The existing two-mile-long East Span, which runs between Oakland and the YBI tunnel, is a combination of metal cantilever and truss sections. The East Span is being replaced by an entirely new type of bridge on a new alignment. The new East Span is composed of a concrete Skyway viaduct that will connect to a unique, single-tower, self anchored suspension (SAS) bridge. The nature of the construction requires the erection of considerable falsework, which is largely being fabricated abroad. The new East Span also includes a bicycle and pedestrian pathway connecting Oakland to YBI.

Construction of the Skyway is largely completed, as are the pier foundations for the SAS bridge tower, while construction of the SAS itself just getting under way. The opening of the new East Span is scheduled first for westbound traffic in 2012, and then for eastbound traffic in 2013. Fabrication of the SAS tower, deck and cable assemblies, and other components (and associated equipment such as special cranes and barges), is taking place in Oregon, Shanghai, China; Pusan and Ulsan, South Korea; and Hokkaido, Japan. A table of this out-of-area fabrication activity is attached as Appendix G. Chronicling the overseas and out-of-state fabrication and shipment of bridge structures will require recording/filming of loading at the point of origin, possible recording of shipments at sea, possible video recording of the entry of shipments through the Golden Gate into San Francisco Bay, and recording the arrival of shipments at the construction site and the subsequent installation of the bridge structures. Consultation between the Video/Film Company and the BATA Project Manager will be required to determine the

warranted amount of recording of fabrication activities, and regarding whether the most cost-efficient and advantageous means of recording overseas and out-of-state fabrication and shipment is to subcontract with on-site individuals or firms, or for the Video/Film Company to send crewmembers and equipment to foreign locations, taking into consideration potential language barriers, travel and lodging expenses, insurance requirements, and the possibility that work clearances and permits might be required.

Upon completion of the new East Span, the existing cantilever and truss span will be demolished. **More information and photos are available at www.baybridgeinfo.org and at www.mtc.ca.gov/planning/bay_bridge.htm.**

With the exception of fabrication activities at foreign and out-of-state facilities, and construction activities at Yerba Buena Island and landside at the Oakland Touchdown, construction activities on the Bay Bridge largely take place over water. Transport of production crewmembers and equipment to the East Span must be by vessel, typically from the construction staging area at the west end of Burma Road in Oakland. Video/film crews will be able to get rides to the job site on the construction company's boat.

Because each construction contractor controls its job site, cooperation with contractors, and adherence to their safety rules, are essential to successful video recording or filming of construction activities. This work also requires close cooperation with the Caltrans Public Information Office (PIO).

The estimated total budget for all projects arising from this RFP in the 2007-08 fiscal year is five hundred thousand dollars (\$500,000). Subject to the approval by BATA of future operating budgets, similar amounts may be available in subsequent years. Subject to the prior approval of the BATA Project Manager, BATA will reimburse the selected Consultant(s) for local and out-of-state/foreign travel expenses, with the understanding that the Consultant(s) will seek the lowest airfare, hotel, meal and rental car rates possible.

Previously Shot Construction Footage and Historical Footage

Contract and Caltrans staff videographers have shot footage of various construction activities on the San Francisco-Oakland Bay Bridge as well as other Bay Area bridges in the DV Cam and HDV formats (and possibly other formats as well). The BATA Project Manager will assist the Video/Film Company(s) in obtaining this previously shot footage for possible use in the production of construction progress programs and documentary features. However, the Video/Film Company(s) or firms may find it necessary to also obtain historical footage and stills on their own from other sources.

Primary Videography/Film Consultant

BATA will select one (1) firm to serve as the Primary Consultant to be responsible for providing services as listed in *Appendix A*, Scope of Work, Item I.

Miscellaneous Videography/Film Projects

Over the course of the time period contemplated by this RFP, BATA may require videography consultation and production services for a variety of other projects, on an as-needed basis. These unspecified tasks are described in *Appendix A*, Scope of Work, Item II. BATA will establish a list of qualified firms to perform these individual, as yet unspecified video-related projects, for

the term of July 1, 2007, through June 30, 2009, with an option to extend for up to five (5) additional one (1) year periods.

After the pool of consultants for the unspecified videography services is established, depending on the scope and nature of the project, BATA may either select the Primary Videography/Film Consultant to work on an individual project, or request proposals from two or more qualified listed firms on the list. Firms contracted to perform work will receive guidance from the BATA Project Manager. The selected firm will be expected to regularly coordinate with the Caltrans Bay Bridge Public Information team, and with the bridge construction contractors, who control access to the construction site.

Pre-Proposal Questions and Exceptions

Any requests for clarification, or questions regarding RFP requirements, or requests for exceptions to or modifications of RFP provisions must be received by BATA in writing (via e-mail to the Project Manager) no later than 4:00 p.m. on Thursday, May 24, 2007, to guarantee response or consideration. Proposers are required to submit such requests on the form provided in *Appendix F, Requests for Exceptions or Modifications*.

Any addenda released for this RFP and responses to questions will be published at www.mtc.ca.gov/jobs. The Proposer is responsible for checking the Web site for any addenda and responses to questions released.

Registering for Addenda E-mail Alerts

Proposers who wish to be notified of addenda and clarifications should e-mail their contact information, including their e-mail address, to the BATA Project Manager as soon as possible, and no later than 4:00 p.m. on Thursday, May 24, 2007. Send contact information to: bkahn@mtc.ca.gov.

Production Company Minimum Qualifications

In order to be eligible to submit a proposal as the primary Videography/Film Consultant, firms must demonstrate to BATA's satisfaction that:

- Consultant is based in the Bay Area, or has an established Bay Area office, or have a film/video crew based in the Bay Area.

Firms submitting proposals as the primary Videography/Film Consultant or to provide film/video recording services for a variety of as yet unspecified projects must demonstrate to BATA's satisfaction the following professional qualifications:

- Experience filming large infrastructure projects and the like, such as a roadway, bridge, office building, etc.
- Experience in editing footage into educational/informational productions for use with the media, corporate staff, the public, and other audiences, or for broadcast on TV or showing in a theater.

Other Qualifications

Experience in filming abroad, or working with foreign film crews, is preferred.

Form and Content of Proposal

Proposers have the option to submit proposals to 1) serve as the primary videography consultant, 2) be included in the pool of firms to provide undetermined/miscellaneous videography projects, or 3) for both services listed in 1 and 2 above. Please indicate in your proposal which of these services your firm is bidding on. Firms submitting proposals for all of the video/film services must submit a proposal containing the following items. (Those firms submitting a proposal solely for the miscellaneous projects need only submit information covering items 1 through 8 below):

1. A transmittal letter signed by an official authorized to enter into contracts for the firm along with the name, address, phone number and e-mail of the contact person, if different from the signator.
2. Two copies (on DVD or VHS) of up to six sample projects demonstrating their skill and experience in filming industrial and/or infrastructure subjects, or other relevant subjects.
3. A list of prior video/film projects, including the projects submitted as samples, with a short description of each in terms of subject, length and year of the project; also describe how the footage or production was used and aired. Indicate which members of your team worked on each production.
4. Description of the firm's experience, with short biographies of the staff assigned to this project. Resumes may be included as an appendix. If applicable, discuss foreign filming experience.
5. Cost proposal showing hourly and daily rates for filming the East Span project, and cost for travel days in the event that out-of-area travel is required. Indicate whether there will be a surcharge for evening and/or weekend filming (these rates would also be applicable to filming other construction projects). If the rates for filming in Oregon or abroad in Asia or Europe are different from the U.S. rates, provide those as well. Note that nearly daily coverage is anticipated under this project. Also, provide the cost and timeframe for preparing a 10-minute edited production of construction activities, using footage captured above, and including narration, ambient sound, historical footage or stills, scripting and the like. Use the rate sheet included as *Appendix B*, or create your own version.
6. A description of what team members comprise a typical video crew – one videographer plus a sound person, or just a videographer, etc.
7. Three or more references who can attest to the firm's ability to perform the work covered by this RFP, along with contact information (*Appendix C*).
8. A completed Levine Act Statement (*Appendix D*).
9. To the extent that BATA requires foreign coverage of East Span fabrication activities in Asia and elsewhere, an explanation of how the firm would obtain that footage (i.e., by sending the firm's own crew, or by hiring a local crew in the off-shore country). Firms can refer to the table of international work included as *Appendix G*.
10. Discuss how team will be expanded to provide video coverage in more than one location at the same time, be it in the U.S. or abroad.
11. Plans and costs for aerial coverage both domestically and abroad (how firm would secure this coverage and costs per hour, half day or day).

12. An explanation of the type of equipment and technology to be used to record construction activities; explain the role of high-definition video in your work, and the role of film vs. video. Discuss compatibility issues with previously shot footage.
13. A list of subcontractors, with a detailed description of any other projects the prime and sub have worked as a team on, and the subs' roles and hourly and/or daily rates.
14. Any other information the firm deems relevant to the project.

Evaluation Process and Factors

The BATA Project Manager will conduct an initial screening of all proposals received by the above deadline to determine whether the minimum qualifications have been met. Proposals that meet the minimum qualifications will then be evaluated by a panel comprised of members of BATA and Caltrans staff based on the following criteria, listed in descending order of relative importance:

1. Expertise of the assigned staff and overall experience of the firm;
2. Prior experience documenting large infrastructure projects and with foreign and aerial coverage;
3. Approach to providing services (this factor shall only be evaluated for those firms submitting proposals to serve as the primary videography consultant);
4. Quality and creativity of the submitted samples;
5. Competitiveness of the cost proposals; and
6. Suitability of the proposed format and technology for filming.

Following the initial evaluation, the selection panel may elect to recommend award of the Principal Videography/Film Consultant and establish the pool of consultants for the unspecified video/film services, or to interview a "short list" of proposers, consisting of those proposers reasonably likely, in the opinion of the panel, to get the award or be included in the pool. References may be contacted for any and all firms.

The panel will then recommend to BATA's Executive Director a firm to serve as BATA's Principal Videography/Film Consultant and a list of qualified consultants eligible to perform additional projects that may arise over the term of this RFP. If the Executive Director agrees with the recommendation, he will forward it to the BATA Oversight Committee for approval.

BATA reserves the right to accept or reject any and all Proposals submitted, to waive minor irregularities in Proposals, and to request additional information from the proposers. BATA reserves the right not to convene oral interviews and to make an award on the basis of initial proposals. Any award made will be made to the firm whose Proposal is the most advantageous to BATA, based on the evaluation criteria, and in accordance with the process described above.

Consultant Selection Timetable

Thursday, May 24, 2007, 4 p.m.	Deadline for pre-Proposal questions and exceptions, and for submitting e-mail address to receive e-mail updates of addenda and clarifications.
Monday, June 4, 2007, 4 p.m.	Closing date and time for receipt of Proposals
June 5-11, 2007	Interviews (if required)
Wednesday, June 13, 2007	BATA Oversight Committee review
Monday, June 18, 2007 (approximate)	Execution of contract

Selection Disputes

A Proposer may object to a provision of the RFP on the grounds that it is arbitrary, biased or discriminatory, or to the selection of a particular video/film company(s) on the grounds that BATA procedures, the provisions of the RFP or applicable provisions of federal, state or local law have been violated or inaccurately or inappropriately applied by submitting to the Project Manager a written explanation of the basis for the protest:

- 1) No later than five (5) working days prior to the date Proposals are due, for objections to RFP provisions; or
- 2) No later than three (3) working days after the date on which a contract award is authorized by the BATA Oversight Committee or the date the firm is notified that it was not selected, whichever is later, for objections to firm selection.

The BATA Executive Director will respond to the protest in writing, based on the recommendation of a staff review officer. Authorization to award a contract to a particular firm shall be deemed conditional until the expiration of the protest period or, if a protest is filed, the issuance of a written response to the protest by the Executive Director.

Should the Proposer wish to appeal the decision of the Executive Director, it may file a written appeal with the BATA Oversight Committee, no later than three (3) working days after receipt of the written response from the Executive Director. The BATA Oversight Committee's decision will be the final agency decision.

Except with regard to initial determinations of failure to meet the minimum qualifications, the evaluation record shall remain confidential until the BATA Oversight Committee authorizes award.

General Conditions

BATA will not reimburse any firm for costs related to preparing and submitting a Proposal.

Materials submitted by respondents are subject to public inspection under the California Public Records Act (Government Code § 6250 *et seq.*), unless exempt.

A synopsis of BATA standard contract provisions is enclosed for your reference as *Appendix E*.

BATA reserves the right in its sole discretion not to enter into any contract as a result of this RFP. Placement on the pool of qualified firms to perform individual, as yet unspecified videography-related projects does not guarantee a firm will be contacted or awarded any projects.

The selected Primary Videography Consultant will be required to sign a contract with BATA, the provisions of which are summarized in *Appendix E*, Synopsis of Provisions in BATA's Standard Consultant Agreement. In particular, we direct your attention to the insurance requirements in *Appendix E*. A firm anticipating submittal of a Proposal may object to an insurance requirement or any other contract provision set forth in *Appendix E* by going through the procedures described under the section heading "Pre-Proposal Inquiries and Requests for Exceptions or Modifications." Absent timely objection to a contract provision, including any specific insurance requirement, BATA is entitled to assume acceptance of the insurance requirements and any other provisions set forth in *Appendix E*. Costs for insurance and other overhead should be included in the hourly rates.

Authority to Commit BATA

The Executive Director will provide a recommendation for Videography/Films Consultants to the BATA Oversight Committee, which will commit BATA to the expenditure of funds in connection with this RFP.

Thank you for your interest.

Sincerely,



Ann Flemer
Deputy Executive Director, Operations

Scope of Work

BATA intends to select a Consultant to chronicle activities relating to the construction of the new East Span of the San Francisco-Oakland Bay Bridge, and particularly the final portions of the bridge, namely the innovative Self-Anchored Suspension (SAS) span and the transition structures at Yerba Buena Island as detailed in Section I below. BATA also intends to establish a pool of qualified firms to provide film/video recording services for a variety of as yet unspecified projects as detailed in Section II below.

I: CONSTRUCTION PROGRESS VIDEOGRAPHY

The following tasks pertain to the new East Span of the San Francisco-Oakland Bay Bridge, including both the Skyway and the self-anchored suspension span.

The Consultant shall be responsible for video recording and cataloging of video recordings, and the production of short (10- to 30-minute) video programs for the purposes of explaining construction activities to the public, the Legislature, the media and the like, using their own footage as well as possibly footage shot by other crews including California Department of Transportation (Caltrans) crews. It is anticipated that video coverage will be needed as much as five days a week many weeks, with some work extending into the evening or early morning, or weekends. Some aerial work maybe involved, either from a helicopter or small plane. This day-to-day documentation of the East Span project may involve travel to other states or abroad, to locations in Oregon as well as England, China and South Korea. When work is progressing abroad as well as in the Bay Area, more than one camera crew may be necessary. The Consultant may cover the foreign sites or subcontract if that is deemed to be more cost-effective, and is approved by the BATA Project Manager. The recording should be of high quality (and possibly high definition) sufficient to be incorporated into documentaries for television or theater release at a later date, possibly by other production companies under a separate contract or contracts. In some cases, BATA may opt to give this footage free of charge to television stations or production companies for use in a documentary.

The selection of fabrication and construction activities that will serve as the basis for video/film recording assignments will be subject to ongoing consultation between the Consultant, the BATA Project Manager and staff, the Caltrans Public Information Officer (PIO) and/or construction contractor's representative. Video/film recording assignments will take into account public information needs, contractor and construction crew requirements, the extent to which video recording of overseas and/or out-of-state fabrication and shipment is warranted, the extent to which aerial shots of activities and shipments is warranted, and the extent to which recording of benchmark events is warranted (i.e., setting of final tower section, final run of main cable, connection of East Span to the Yerba Buena Island Tunnel, public ribbon-cuttings). Most of the video/film coverage will occur locally, although some coverage in Oregon and abroad in Asia, Europe and England is anticipated.

The Consultant shall perform, but is not limited to, the following tasks:

- A. Attend key meetings involving BATA staff, Caltrans and construction contractor staff to stay informed of progress and upcoming activities.
- B. Communicate weekly (by telephone and with a follow-up confirmation e-mail to the BATA Project Manager) with the BATA Project Manager and the

Caltrans PIO to confirm which upcoming fabrication and/or construction activities are scheduled for video recording.

- C. Monthly, on a schedule to be determined between the production firm and the BATA Project Manager, deliver two DVD copies of the video recording done over the prior 30-day period. At the request of the BATA Project Manager, footage may be required more frequently. Native files may also be requested.
- D. Video record/film construction and fabrication activities, and benchmark and ceremonial events. Coordinate with Caltrans in-house video crews to maximize coverage. Secure permission from fabrication facility operators and construction contractors to video record fabrication and/or construction activities.
- E. As needed, out of state or overseas coverage shall be provided by the Consultant. When it is not feasible for Consultant to perform the out of state or overseas services, the Consultant shall arrange for local film crews in the vicinity of the fabrication facility to record construction activities.
- F. On a daily or weekly basis, catalog all recordings to allow their retrieval according to (at a minimum): construction or fabrication activity, construction or fabrication date and activity/location, and submit the catalog of recordings to the BATA Project Manager on a monthly basis.
- G. On an as-needed basis, edit programs for various run times, incorporating voiceover narration and soundtrack as needed, for a variety of purposes and audiences, including: (1) as part of the construction progress reports at the Toll Bridge Project Oversight Committee meetings; (2) for distribution to television stations for use in their broadcasts; (3) as part of the tours of the Bay Bridge projects offered by Caltrans' Bay Bridge Public Information Office; and (4) for posting on BATA's Web site or the Bay Bridge Info Web site maintained by Caltrans.
- H. Specific deliverables and schedules shall be determined by the BATA Project Manager.

The Consultant shall produce video recordings that are compatible with recordings of Bay Bridge construction activities taken by others prior to the contract between the Video/Film Company(s) and BATA. These video recordings, some of which are in high definition, will be provided to the production firm by the BATA Project Manager as needed.

II: MISCELLANEOUS PROJECTS

BATA may require film/video recording and production services for a variety of other, as yet unspecified purposes. Possible subjects include the reconstruction of the West Approach to the San Francisco-Oakland Bay Bridge, the demolition of the original East Span, and the final stages of the construction of the Benicia-Martinez Bridge, as well as FasTrak (electronic toll collection) operations and construction, including open-road tolling. BATA may use the submittals received in response to this RFP to establish a list of firms qualified to perform the services needed for these as yet unspecified purposes. The BATA Project Manager may solicit a project-specific proposal from the Primary Consultant, and/or from two or more firms identified on such an approved list of qualified firms; and subsequently, the BATA Project Manager and other BATA

staff will evaluate the proposals and make recommendations to the BATA Executive Director and/or the BATA Oversight Committee for award of a contract.

APPENDIX B
RATE SHEET

Please use this form or create your own version that captures all of the requested information. .

Name of firm: _____

I.	TYPE OF SERVICE	Cost	Describe Staff Included in Crew
1.	Cost per person or per crew (specify which and size of crew if applicable) per hour for filming on land or water*	\$	
2.	Cost per person or per crew (specify which and size of crew if applicable) per hour for video recording on land or water*	\$	
3.	Cost per person per hour for film editing*	\$	
4.	Cost per person per hour for videotape editing*	\$	
5.	Cost per person per hour for script development and script writing*	\$	
6.	Day rates and/or half-day rates for activities above (day rate refers to a normal eight-hour period). (Use extra paper as necessary.)*	\$	
7.	Cost per travel day (one travel day equals a 24-hour period) per person and/or per crew)*	\$	
8.	Weekend/holiday/evening premium charges (explain)*	\$	
9.	Cost for producing a 10-minute edited production with music, ambieint sound, narration, etc.	\$	
10.	Costs for aerial shooting (from helicopter or small plane), per hour, per half day and per eight-hour day, indicating size of crew. Include cost of renting aircraft.*	\$	
12.	Other costs not covered above, per hour or otherwise.	\$	

* Fill in for all types of services your firm provides. If costs vary according to geographic location (such as in a foreign country) and/or time of day, or size of crew or actual crew members, provide details on a separate sheet.

Submission of signed Proposal Form is a firm commitment to perform the work specified in Appendix A in accordance with this RFP.

II. Contractor's Signature	
Name of Proposing Firm	
Street Address	
City, State, Zip Code	
Phone Number/Fax No.	
E-mail address	
Name and Title of Authorizing Official	
Authorized Signature	

APPENDIX C
CONSULTANT'S REFERENCE FORM

Name of Proposing Company

Representative Name & Title

Phone Number

References must not be relatives of the Consultant's representative or owners. The references given must be for services similar in nature to the work scope as outlined in Appendix A and performed within the last five years.

Name of firm	
Name & title of key contact	
Address	
Phone number(s)	
E-mail address	
Specific projects your firm delivered for this firm and dates	

Name of firm	
Name & title of key contact	
Address	
Phone number(s)	
E-mail address	
Specific projects your firm delivered for this firm and dates	

Name of firm	
Name & title of key contact	
Address	
Phone number(s)	
E-mail address	
Specific projects your firm delivered for this firm and dates	

APPENDIX D
CALIFORNIA LEVINE ACT STATEMENT

California Government Code § 84308, commonly referred to as the "Levine Act," precludes an officer of a local government agency from participating in the award of a contract if he or she receives any political contributions totaling more than \$250 in the 12 months preceding the pendency of the contract award, and for three months following the final decision, from the person or company awarded the contract. This prohibition applies to contributions to the officer, or received by the officer on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.

MTC's commissioners include:

Tom Ammiano
Tom Azumbrado
Tom Bates
Bob Blanchard
Dave Cortese
Dean J. Chu

Bill Dodd
Dorene M. Giacomini
Federal D. Glover
Scott Haggerty
Anne W. Halsted
Steve Kinsey
Sue Lempert

Jon Rubin
Bijan Sartipi
James P. Spering
Adrienne J. Tissier
Amy Worth
Ken Yeager

1. Have you or your company, or any agent on behalf of you or your company, made any political contributions of more than \$250 to any MTC commissioner in the 12 months preceding the date of the issuance of this request for qualifications?

___ YES ___ NO

If yes, please identify the commissioner: _____

2. Do you or your company, or any agency on behalf of you or your company, anticipate or plan to make any political contributions of more than \$250 to any MTC commissioners in the three months following the award of the contract?

___ YES ___ NO

If yes, please identify the commissioner: _____

Answering yes to either of the two questions above does not preclude MTC from awarding a contract to your firm. It does, however, preclude the identified commissioner(s) from participating in the contract award process for this contract.

DATE

(SIGNATURE OF AUTHORIZED OFFICIAL)

(TYPE OR WRITE APPROPRIATE NAME, TITLE)

(TYPE OR WRITE NAME OF COMPANY)

APPENDIX E

SYNOPSIS OF PROVISIONS IN BATA'S STANDARD CONSULTANT AGREEMENT

In order to provide bidders with an understanding of some of BATA's standard contract provisions, the following is a synopsis of the major requirements in our standard agreement for professional services. A copy of BATA's standard agreement may be obtained from the Project Manager for this RFP.

Termination: BATA may, at any time, terminate the Agreement upon written notice to Consultant. Upon termination, BATA will reimburse the Consultant for its costs for incomplete deliverables up to the date of termination. Upon payment, BATA will be under no further obligation to the Consultant. If the Consultant fails to perform as specified in the agreement, BATA may terminate the agreement for default by written notice, and the Consultant is then entitled only to compensation for costs incurred for work products acceptable to BATA, less the costs to BATA of rebidding.

Insurance Requirement: Consultant agrees to obtain and maintain at its own expense the following insurance coverages, placed with insurers with a Best's rating of A- (A minus) or better, for the duration of this agreement:

- (1) Worker's Compensation Insurance, as required by the law, and Employer's Liability Insurance in an amount no less than \$1,000,000, including if such exposure arises or exists, a Longshore and Harbor Workers Compensation Act coverage endorsement (WC 00 01 06A), and if such exposure arises or exists, an Outer Continental Shelf Lands Act Coverage endorsement (WC 00 01 09A), and if such exposure arises or exists, a Maritime Coverage endorsement (WC 00 02 01A), and if such exposure arises or exists, a Foreign Coverage endorsement (WC 48 06 03), including extension beyond the ninety (90) day provision of Section 8 premium, paragraph "A", for the duration or period of time employees of or subcontractors to Consultant will be traveling or temporarily outside the United States. Foreign Compensation insurance also may be required. All policies shall have a waiver of subrogation in favor of BATA; and
- (2) Commercial General Liability Insurance with a combined single limit of not less than \$1,000,000 bodily injury and property damage, a combined single limit of not less than \$1,000,000 for personal injury and advertising injury for any one occurrence, and \$2,000,000 general aggregate; and
- (3) Owned, Non-Owned, and Hired Automobile Liability Insurance in an amount no less than \$1,000,000; and
- (4) Umbrella Insurance in the amount of \$5,000,000 providing excess limits over Employers Liability, Automobile Liability, and Commercial General Liability Insurance.

The Commercial General Liability policy(ies) must contain an endorsement naming BATA, the Toll Bridge Project Oversight Committee (TBPOC) and Caltrans, their commissioners, directors, officers, representatives, agents and employees, as additional insureds for products and completed operations using endorsement form #CG2010 11/85 or comparable wording. Also, the endorsement must specify that such insurance is primary and that demand will in no case be made on insurance carried by BATA, Caltrans or TBPOC to cover a loss. The issuing company must also provide a 30-day written notice to BATA prior to the cancellation of or material

change to the required coverages. BATA must have received all required certificates of insurance verifying the coverages and the required endorsements, signed by an authorized representative of the insurer, prior to releasing to Consultant any payment under this Agreement.

If aerial videography/filming is assigned, Aircraft Liability Insurance is required with limits of at least \$25 million for any owner or operator of said aircraft. Policy should include coverage for owned, nonowned or hired as appropriate. Coverage should be primary noncontributory. The policy must contain an endorsement naming BATA, the Toll Bridge Project Oversight Committee (TBPOC) and Caltrans, their commissioners, directors, officers, representatives, agents and employees, as additional insureds. Coverage territory is worldwide for any suits brought worldwide. Compulsory coverage for any foreign countries will be purchased as required.

Consultant must obtain and maintain the required coverages, as stated above, at its own expense, except that certain Workers Compensation coverages specified under subpart (1); namely, pertaining to the "Longshore and Harbor Workers Compensation Act" and the "Outer Continental Shelf Lands Act," and "Foreign Coverage" and "Maritime Coverage," as well as "Aircraft Liability Insurance" can be obtained on an as-needed basis, as Consultant activities arise, for which, in the opinion of the BATA Project Manager, and BATA's insurance broker, such coverages are warranted. However, it may be more cost-effective to obtain these coverages on an annual basis rather than on a case-by-case basis.

Payment of any deductible or self-insured retention is the sole responsibility of Consultant.

Independent Contractor: Consultant is an independent contractor and has no authority to contract or enter into any other agreement in the name of BATA. Consultant shall be fully responsible for all matters relating to payment of its employees including compliance with taxes.

Indemnification: Consultant agrees to defend, indemnify and hold BATA harmless from all claims, damages, liability, and expenses resulting from any act or omission of Consultant in connection with the agreement. Consultant agrees to defend any and all claims, lawsuits or other legal proceedings brought against BATA arising out of Consultant's acts or omissions. The Consultant shall pay the full cost of the defense and any resulting judgments.

Data Furnished by BATA: All data, reports, surveys, studies, drawings, software (object or source code), electronic databases, and any other information, documents or materials ("BATA Data") made available to the Consultant by BATA for use by the Consultant in the performance of its services under this Agreement shall remain the property of BATA and shall be returned to BATA at the completion or termination of this Agreement. No license to such BATA Data, outside of the Scope of Work of the Project, is conferred or implied by the Consultant's use or possession of such BATA Data. Any updates, revisions, additions or enhancements to such BATA Data made by the Consultant in the context of the Project shall be the property of BATA.

Ownership of Work Product: All data, reports, surveys, studies, drawings, software (object or source code), electronic databases, and any other information, documents or materials ("Work Product") written or produced by the Consultant under this Agreement and provided to BATA as a deliverable shall be the property of BATA. Consultant will be required to assign all rights in copyright to such Work Product to BATA.

Personnel and Level of Effort: Personnel assigned to this Project and the estimated number of hours to be supplied by each will be specified in an attachment to the Agreement. No substitution of personnel or substantial decrease of hours will be allowed without prior written approval of BATA.

Subcontracts: No subcontracting of any or all of the services to be provided by Consultant shall be allowed without prior written approval of BATA. BATA is under no obligation to any subcontractors.

Consultant's Records: Consultant shall keep complete and accurate books, records, accounts and any and all work products, materials, and other data relevant to its performance under this Agreement. All such records shall be available to BATA for inspection and auditing purposes. The records shall be retained by Consultant for a period of not less than four (4) years following the fiscal year of the last expenditure under this Agreement.

Prohibited Interest: No member, officer or employee of BATA can have any interest in this agreement or its proceeds and Consultant may not have any interest which conflicts with its performance under this Agreement.

Governing Law: The agreement shall be governed by the laws of the State of California.

APPENDIX F

REQUESTS FOR EXCEPTIONS OR MODIFICATIONS

RFP Section	<i>Relevant Provision</i>	Requested Action
	1.	
	2.	
	3.	
	4.	
	5.	

APPENDIX G
TABLE OF OUT-OF-STATE/COUNTRY EAST SPAN FABRICATION ACTIVITIES

LOCATION*	ACTIVITY	DATES*
Hokkaido, Japan	Fabrication of cable saddles	TBD
Portland, Oregon	Fabrication of barge	Mid 2007 to Early 2008
Portland, Oregon	Fabrication of hinge pipe beams	Early 2007 to Late 2007
South Korea	Fabrication of detour viaduct	2007-08
	Fabrication of suspender cables	Late 2009 to Late 2010
Shanghai, China	Fabrication of steel tower and box girders.	Late 2007 to Late 2009
Shanghai, China	Fabrication of crane	Early 2008 to Late 2008
Shanghai, China	Fabrication of main cable	Late 2007 to Late 2010
Sheffield, England	Fabrication of high-strength bars	TBD

* Location and dates of activities subject to change.